

REMARKS

Summary of Office Action

Applicant's claims 1-12 are currently pending in the above-identified patent application.

The Examiner rejected claims 1, 7-9 and 11-12 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 20020061770 (hereinafter "Ozaki"). The Examiner also rejected claims 2-3, 6, and 10 under 35 U.S.C. § 103(a) as being unpatentable over Ozaki in view of U.S. Patent No. 6,965,413 (hereinafter "Wada") and claims 4-5 under 35 U.S.C. § 103(a) as being unpatentable over Ozaki in view of U.S. Publication No. 20020058527 (hereinafter "Kawasaki").

Summary of Applicant's Reply

Applicant has prepared a response, respectively traversing the Examiner's rejections.

Applicant's Reply to the Rejection of the Claims

The Examiner rejected independent claims 1 and 9 under 35 U.S.C. § 102(e) as being anticipated by Ozaki. Applicant submits the following remarks wherein the Examiner's rejections are respectfully traversed.

Applicant's claimed invention is a portable terminal. More particularly, Applicant's claimed invention is a portable terminal that provides a first housing having a display unit and a second housing having a primary input unit, wherein the first housing and the second housing are connected together at a common joint. The first and second housings are permitted to rotate about the common joint of their connection, permitting a user to switch the portable terminal's mode of operation from an open state to a closed state and vice versa.

Regardless of the mode of operation, the display unit of the first housing is continuously viewable by the user. This is reflected in independent claims 1 and 9 in the requirement that "said display unit is visible to a user in a closed state and an open state." However, portable terminal functions (e.g., e-mail, camera, web, etc.) provided on the selection screen displayed on the display unit of the first housing are altered when the portable terminal's mode of operation is switched. When the portable terminal is in its open state mode of operation, a first selection screen is displayed. This mode of operation may utilize a selection screen that arranges portable terminal functions multi-dimensionally. When the portable

terminal is in its closed state mode of operation, a second selection screen is displayed. This mode of operation may utilize a selection screen that arranges portable terminal functions one-dimensionally.

Independent Claims 1 & 9

In rejecting Applicant's independent claims 1 and 9, the Examiner asserts that all of the elements of these claims are shown in Ozaki. Office Action, Pages 2-5. However, Applicant respectfully submits that Ozaki fails to show or suggest a display unit which displays different selection screens dependent on the mode of operation of the mobile terminal.

The Examiner specifically refers to figures 3a-3c, 4 and 5 and paragraphs 0032-0033 and 0036 to show that Ozaki teaches the aforementioned limitations of Applicant's claimed invention. Contrary to the Examiner's assertions, the limitations of Applicant's claimed invention are not shown. Ozaki describes a portable terminal in which the display portion housing 1 is provided with operating keys 8, such that the portable information terminal can be used while the display portion housing 1 and the operating portion housing 2 are kept closed as follows:

Since the display portion housing 1 is provided with the operating keys 8, the portable information terminal of this invention can be used while the display portion housing 1 and the operating portion housing 2 are kept closed. . . thus only a small number of operating keys 8 can be mounted there. Therefore, there are provided only operating keys necessary to carry out simple operations such as seeing an electronic mail on liquid crystal display portion 3 when the electronic mail is received, seeing a schedule of an electronic pocketbook, etc. under a state that the display portion housing 1 and the operating portion housing 2 are closed.” Specification at [0033].

Furthermore, under the state that the display portion housing 1 and operating portion housing 2 are open . . . the user can manipulate the keys of the operating portion 5 and keys 8 while seeing the liquid crystal display portion 3 . . . under this state, the cellular phone of this embodiment can also be used as a portable information terminal for electronic mail, as an electronic pocketbook, etc. by operating the keys of operating portion 5. Specification at [0036]

Ozaki fails to disclose or even suggest Applicant's first and second selection screens and the use of different screens dependent on whether the mobile terminal is in an open or closed state.

Specifically, Ozaki fails to disclose that the "a screen on said display unit is able to display a first selection screen which is appropriate for an operation by said auxiliary input unit when both of said housings are in said closed state, and a screen on said display unit is able to display a second selection screen which is appropriate for an operation by said main input unit when both of said housings are in an opened state" as in claim 1 or "a screen on said display unit is able to display a first selection screen arranging items one-dimensionally when both said housings are in a closed state, and a screen on said display unit is able to display a second selection screen arranging items multi-dimensionally when both of said housings are in an opened state" as in claim 9.

Moreover, none of the drawings in Ozaki teach the aforementioned first and second selection screen limitations of Applicant's claimed invention. Every drawing figure provided in Ozaki is described as providing a single selection screen, regardless of mode of operation. Not a single drawing figure in Ozaki depicts a second selection screen which is displayed when the portable terminal is in a closed state as provided in Applicant's claimed invention. Since Ozaki fails to describe this limitation of Applicant's invention, it cannot anticipate Applicant's claimed invention.

Conclusion

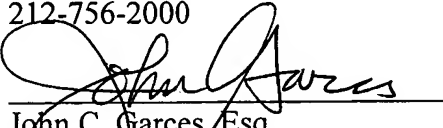
Accordingly, Applicant respectfully submits that the claimed invention as defined by independent claim 1, claims 2 through 8 which depend therefrom, and independent claim 9, claims 10 through 12 which depend therefrom, are patentable over the cited references.

For at least the reasons set forth above, Applicant respectfully submits that this patent application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,

Schulte Roth & Zabel LLP
919 Third Avenue
New York, NY 10022
212-756-2000

Dated: October 17, 2006
New York, New York

By: 
John C. Garces, Esq.
Attorney for Applicant
Reg. No. 40,616